

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 11TH DAY OF JANUARY 2018

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

O.P.NO.465 OF 2017

In the matter of the
Charitable and religious
Trusts Act, 1920
and

In the matter of Anaikar Abdul
Shukoor Trust Represented by
its Managing Trustee

1.Anaikar Abdul Shukoor Trust
represented by Managing Trustee,
A.Shafeeq Ahmed,
Registered office at
Anaikar Complex,
1st Floor, No.10/9, Mattukara Veerabadran
Street, Periamet, Chennai 600 003

2.N.Mohamed Zackriah,
Trustee
Residing at No.3/4,
Valliammal Road,
Chennai 600 007

3.K.Khaleelur Rahman,
Trustee
Residing at 12,
Venkatachalapathi Street
Kellys, Chennai 600 010

4.P.A.Aqeel Ahmed,
Trustee,
No.16, Sterling Road,
Nungambakkam,
Chennai 600 034

5.A.Khaleeq Ahmed,
Trustee
No.70, E.V.K.Sampath Road,
Vepery, Chennai 600 007

...Petitioners

Original Petition praying that this Hon'ble Court be pleased to permit the Petitioner Trust to sell the Petition mentioned property for investing the same in a income yielding property

This original petition coming on this day before this court for hearing the court made the following order:-

This Original Petition has been filed, under Section 7 of the Charitable and Religious Trusts Act, 1920, seeking permission to the Petitioner Trust to sell the Schedule property for investing the same in an income yielding property.

2. The Schedule Property is as follows:-

"All that piece and parcel of land and building being part of premises bearing municipal Door No.2, Demellows Road, Choolai, Chennai 600112, comprised in old RS.No.1289/2 (part) as per patta RS.No.1289/3, Block No.34 of Vepery Village, Purasawalkam Taluk, Chennai District, measuring an extent of 26 grounds and 2122 sq.ft. (59 ares and 96.5 sq.m) or thereabouts and bounded on the

North By : Demellows Road

South By : NMZ Complex Tamil Nadu Haj
Service Annex
Block and the Cement Road

East By : Property belonging to the Tamil Nadu
Haj Service and Demellows Road.

West By : Oil Mill Road

Situated within the sub registration District of Periamet and Registration District of Chennai-Central.

3. It has been stated in the petition that the 1st Petitioner is Anaikar Abdul Shukoor Trust, having its registered Office at Anaikar Complex, 1st Floor, No.10/9, Mattukara Veerabadran Street, Periamet, Chennai-3, represented by its Managing Trustee, Shafeeq Ahmed. The Petitioners 2 to 5 are the trustees of the said Trust. The Petitioner Trust was formed under a deed of trust dated 22.2.1980, registered as Document No.240 of 1980. It has been stated the Petitioner Trust has been doing charitable acts, such as, imparting education in arts, commerce, science, engineering, medicine, industrial and technical fields, and all kinds of reliefs for elucidating the human suffering by establishing and running hospitals, clinics, etc.

4. It has been further stated that the number of trustees shall not be less than 5 and not more than 7 and all the trustees were to hold offices for their life time and in Clause II of the trust deed, powers of the Board of Trustees were given, including to sell the properties of the Trust. By a gift deed dated 30.3.1981, Anaikar Traders and Estates

Private Limited has gifted several items of properties to the Petitioner Trust. The Petitioner Trust was granted exemption under Section 80G by the Income Tax Department. Since funds are required for continuing the objects of the Trust, it was decided to sell a portion of the property mentioned in the said gift deed dated 30.3.1981, which is more fully described in the Schedule. There were several offers received from certain prospective purchasers, out of which, the offer of Rs.51,61,76,000/- of M/s.Rainbow Foundations Limited was the highest. The Petitioner Trust intends to invest the said amount for the welfare activities of the Trust. Hence, seeking permission to sell the Schedule property to the said intending purchaser, this OP has been filed.

5. The matter was posted before the Master for recording evidence. The Managing Trustee of the Petitioner Trust was examined as PW.1 and Ex.P1 to Ex.P7 were marked. The Joint Managing Director of M/s.Rainbow Foundations Limited, the agreement holder/intending purchaser was examined as PW.2 and through him, Ex.P8 and Ex.P9 were marked. Ex.P1 to Ex.P9 are as under:-

- 1.Ex.P1 is the original of the minutes of the meeting of the Board of Trustee dated 8.5.2017.
- 2.Ex.P2 is the copy of the trust deed dated 22.2.1980.
- 3.Ex.P3 is the copy of the supplementary deed dated 28.8.2009.
- 4.Ex.P4 is the certified copy of the gift deed

dated 3.3.1981.

5.Ex.P5 is the copy of the approval granted to the Petitioner under Section 80G dated 13.11.2017.

6.Ex.P6 is the extension of approval granted to the Petitioner under Section 80G dated 2.5.2016.

7.Ex.P7 is the original resolution dated 8.5.2017 to sell the Schedule property.

8.Ex.P8 is the copy of the board resolution dated 14.11.2017 of M/s.Rainbow Foundations Limited.

9.Ex.P9 is the copy of the certified copy of agreement of sale dated 8.5.2017 entered into between the Petitioner Trust and M/s.Rainbow Foundations Limited.

6. A memo dated 09.01.2018 has been filed by the learned counsel for the Petitioner, stating that the said agreement holder, M/s.Rainbow Foundations Limited, had given an advance of Rs.3,00,00,000/- (Rupees three crores only), by cheque no.767729, dated 08.01.2018, drawn on The Catholic Syrian Bank Limited, T.Nagar, in favour of the Petitioner Trust. A copy of the said cheque was also enclosed along with the said memo.

7. In view of the above, this court is prima facie satisfied that there is need to sell the schedule property. Accordingly, this OP is allowed as prayed for. Accordingly, the Petitioner Trust is permitted to sell the schedule property to M/s.Rainbow Foundations Limited for a sale

consideration Rs.51,61,76,000/- (Rupees fifty one crores sixty one lakhs seventy six thousand only). The sale shall be completed within a period of six months and after effecting sale, the Petitioner Trust may again approach this Court for confirmation of the sale in accordance with law. The Petitioner Trust shall adhere to the procedures and the legal requirements contemplated under law, while carrying out the tasks as prayed in this Original Petition.

Sd/.C.V.K.J

11.01.2018

//Certified to be a true copy//
Dated this the day of 2018

JJ 19/01/2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.